



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,297	12/18/2001	Chaim D. Shen-Orr	U013616-0	3971
.140	7590	09/26/2007	EXAMINER	
LADAS & PARRY	HENNING, MATTHEW T			
26 WEST 61ST STREET	ART UNIT		PAPER NUMBER	
NEW YORK, NY 10023	2131		PAPER	
	MAIL DATE		DELIVERY MODE	
	09/26/2007		PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	09/914,297	SHEN-ORR ET AL.
	Examiner	Art Unit
	Matthew T. Henning	2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 July 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 84-90,92-112,124-140 and 166-180 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 84-90,92-112,124-140 and 166-180 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 May 2007 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>6/20/2007</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

Art Unit: 2131

1 This action is in response to the communication filed on 7/5/2007.

2 **DETAILED ACTION**

3 *Continued Examination Under 37 CFR 1.114*

4 A request for continued examination under 37 CFR 1.114, including the fee set forth in
5 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is
6 eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)
7 has been timely paid, the finality of the previous Office action has been withdrawn pursuant to
8 37 CFR 1.114. Applicant's submission filed on 7/5/2007 has been entered.

9 *Response to Arguments*

10 Applicant's arguments filed 5/30/2007 have been fully considered but they are not
11 persuasive.

12 Applicants' arguments with respect to the prior art have been considered but are moot in
13 view of the new ground(s) of rejection.

14 The examiner notes that although the applicants have chosen to use the phraseology
15 “PECM” or personal ECM, there is no functional language claimed that requires that the PECM
16 be anything other than data that is specific to the end user device, and together with the ECM and
17 EMM is sufficient to enable said end user device to play back the content. If the applicants wish
18 for the claimed PECM to be functionally equivalent to an ECM as known in the art rather than an
19 EMM or other data type as known in the art, the applicants should claim this functionality.

20 All objections and rejections not presented below have been withdrawn.

21 *Information Disclosure Statement*

1 The information disclosure statement(s) (IDS) submitted on 4/17/2006 and 10/6/2006,
2 6/20/2007 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is
3 considering the information disclosure statements.

Specification

5 The specification is objected to as failing to provide proper antecedent basis for the
6 claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the
7 following is required: While the specification provides support for a PECM and EMM together
8 being sufficient to enable the end user device to play back the content, the specification fails to
9 provide support for the ECM and EMM not being sufficient to play back content, while the
10 ECM, EMM, and PECM together are sufficient to play back content. See the rejection under 35
11 USC 112 1st Paragraph below.

Claim Rejections - 35 USC § 112

13 The following is a quotation of the first paragraph of 35 U.S.C. 112:

14 The specification shall contain a written description of the invention, and of the manner and process of making
15 and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
16 pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
17 contemplated by the inventor of carrying out his invention.

19 Claims 105-112, and 171-175 are rejected under 35 U.S.C. 112, first paragraph, as failing
20 to comply with the written description requirement. The claim(s) contains subject matter which
21 was not described in the specification in such a way as to reasonably convey to one skilled in the
22 relevant art that the inventor(s), at the time the application was filed, had possession of the
23 claimed invention. In this case, the specification fails to provide support wherein the ECM and
24 EMM are not sufficient to play back content, while the ECM, EMM, and PECM together are
25 sufficient to play back content. The portion of the specification pointed to by the applicants does

Art Unit: 2131

1 not provide the necessary support for this limitation, but rather shows that an ECM or a PECM
2 can be used with an EMM to allow playback. Further, the examiner is unable to find support for
3 this particular limitation anywhere in the specification. As such, one of ordinary skill in the art
4 would be unable to determine whether the applicants were in possession of the invention as
5 claimed at the time of application. Therefore, the claims are rejected for failing to meet the
6 written description requirement of 35 USC 112 1st Paragraph.

7

8

9 *Claim Rejections - 35 USC § 103*

10 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
11 obviousness rejections set forth in this Office action:

12 *A patent may not be obtained though the invention is not identically disclosed or
13 described as set forth in section 102 of this title; if the differences between the subject matter
14 sought to be patented and the prior art are such that the subject matter as a whole would have
15 been obvious at the time the invention was made to a person having ordinary skill in the art to
16 which said subject matter pertains. Patentability shall not be negated by the manner in which
17 the invention was made.*

18

19 Claims 84-90, 92-104, 111-112, 124-140, 166-170, and 176-180 are rejected under 35
20 U.S.C. 103(a) as being unpatentable over Maillard (US Patent Number 6,393,562), and further in
21 view of Saito et al. (US Patent Number 6,069,952) hereinafter referred to as Saito.

22 Regarding claim 84, Maillard disclosed A method for flexible and secure transmission of
23 digital content to a first end user device (See Maillard Col. 4 Lines 45-67), the method
24 comprising: providing a control center for controlling access to the digital content by the first
25 end user device (See Maillard Col. 5 Paragraph 1 Conditional Access System 3000); and

Art Unit: 2131

1 transmitting scrambled digital content and an original entitlement control message to the first end
2 user device, the original ECM controlling, at least in part, access to the scrambled digital content
3 by the first end user device (See Maillard Background of the invention), but Maillard failed to
4 disclose transmitting scrambled digital content to the second end user device by the first end user
5 device, such that said second end user device cannot play back said scrambled digital content;
6 connecting said second end user device to said control center; and transmitting a permission
7 message to said second end user device by said control center, such that said second end user
8 device is able to unscramble said scrambled digital content to form unscrambled digital content.
9 However Maillard did disclosed connecting said first end user device to said control center (See
10 Maillard Col. 5 Paragraph 1); and transmitting a permission message (EMM) to said first end
11 user device by said control center, such that said first end user device is able to unscramble said
12 scrambled digital content to form unscrambled digital content (See Maillard Background of the
13 Invention Paragraph 1).

14 Maillard further failed to disclose that the original ECM was embedded with the
15 scrambled digital content. However, as evidenced by the instant specification page 2 final
16 paragraph, it was well known for the original ECMS to be embedded with the content, and as
17 such it would have been obvious to the ordinary person skilled in the art at the time of invention
18 to have done so.

19 Saito teaches that in a content distribution system, an authorized user can send encrypted
20 content to an unauthorized user, at which point the unauthorized user can contact a control center
21 to receive authorization and a decryption key for the content (See Saito Col. 5 Line 20 – Col. 6
22 Line 63).

Art Unit: 2131

1 It would have been obvious to the ordinary person skilled in the art at the time of
2 invention to employ the teachings of Saito in the content distribution system of Maillard by
3 transmitting scrambled digital content to the second end user device by the first end user device,
4 such that said second end user device cannot play back said scrambled digital content;
5 connecting said second end user device to said control center (conditional access system 3000);
6 and transmitting a permission message to said second end user device by said control center
7 (EMM), such that said second end user device is able to unscramble said scrambled digital
8 content to form unscrambled digital content. This would have been obvious because the
9 ordinary person skilled in the art would have been motivated to allow more flexible content
10 distribution through "peer-to-peer" transfer, while maintaining access control to the copyrighted
11 data.

12 Regarding claim 124, Maillard disclosed receiving scrambled digital content by a first
13 end user device, the scrambled digital content comprising at least an entitlement control message
14 (ECM) and playable content (See Maillard Col. 4 Last Paragraph and Background of the
15 Invention First Paragraph); receiving a permission message for unscrambling said scrambled
16 digital content by said first end user device, the permission message comprising an entitlement to
17 unscramble the scrambled digital content according to the ECM (See Maillard Col. 3 Lines 46-
18 55), but Maillard failed to disclose transferring said scrambled digital content and the ECM
19 directly from said first end user device to a second end user device; and unscrambling said
20 scrambled digital content by said second end user device according to the ECM only after said
21 permission message is activated for said second end user device.

Art Unit: 2131

1 Maillard further failed to disclose that the original ECM was embedded with the
2 scrambled digital content. However, as evidenced by the instant specification page 2 final
3 paragraph, it was well known for the original ECMs to be embedded with the content, and as
4 such it would have been obvious to the ordinary person skilled in the art at the time of invention
5 to have done so.

6 Saito teaches that in a content distribution system, an authorized user can send encrypted
7 content to an unauthorized user, at which point the unauthorized user can contact a control center
8 to receive authorization and a decryption key for the content (See Saito Col. 5 Line 20 – Col. 6
9 Line 63).

10 It would have been obvious to the ordinary person skilled in the art at the time of
11 invention to employ the teachings of Saito in the content distribution system of Maillard by
12 transferring said scrambled digital content and the ECM directly from said first end user device
13 to a second end user device; and unscrambling said scrambled digital content by said second end
14 user device according to the ECM only after said permission message is activated for said second
15 end user device. This would have been obvious because the ordinary person skilled in the art
16 would have been motivated to allow more flexible content distribution through “peer-to-peer”
17 transfer, while maintaining access control to the copyrighted data.

18 Regarding claim 85, the combination of Maillard and Saito disclosed transmitting a first
19 set of information for decoding said scrambled digital content to said second end user device;
20 and permitting said second end user device to access said first set of information only if said
21 permission message is given to said second end user device (See the rejection of claim 106
22 above).

Art Unit: 2131

1 Regarding claim 86, the combination of Maillard and Saito disclosed that the first set of
2 information is distributed with said scrambled digital content (See Maillard Col. 2 Lines 49-57).

3 Regarding claim 87, the combination of Maillard and Saito disclosed that the first set of
4 information is distributed by said control center (See the rejection of claim 107 above).

5 Regarding claim 88, the combination of Maillard and Saito disclosed that transmitting
6 said scrambled digital content includes contacting said control center by said second end user
7 device to receive said permission message (See the rejection of claim 84 above).

8 Regarding claim 89, the combination of Maillard and Saito disclosed that said first set of
9 information includes an address of said control center (See Maillard Col. 5 Lines 45-59).

10 Regarding claim 90, the combination of Maillard and Saito disclosed that said first set of
11 information enables said unscrambled digital content to be permanently stored by said second
12 end user device (See Maillard Col. 5 Paragraph 1).

13 Regarding claims 92-95, and 126-129, the combination of Maillard and Saito disclosed
14 that said first and said second end user devices belong to a group of a plurality of end user
15 devices, such that said permission message is sent to each end user device belonging to said
16 group (See Maillard Col. 2 Lines 40-48); wherein membership in said group is at least partially
17 determined according to communication between said end user devices (See Maillard Col. 2
18 Lines 40-48); wherein transmitting said permission message further comprises transmitting a
19 token from said first end user device to said second end user device, for including said first and
20 said second end user devices in said group (See the rejection of claim 84 above and Saito Col. 6
21 Lines 31-38); wherein transmitting said token is performed repeatedly for the plurality of end

Art Unit: 2131

1 user devices in the group until a limit is reached (See the rejection of claim 84 above and Col. 14
2 Lines 13-16).

3 Regarding claims 96-97, and 130-131, the combination of Maillard and Saito disclosed
4 that said limit is determined according to a number of end user devices in the group, such that if
5 said number of end user devices exceeds a maximum permitted number, transmitting said
6 scrambled digital content and transmitting said permission message are not performed for an
7 additional end user device (See Saito Col. 14 Lines 13-16 and Col. 6 Lines 49-56); and wherein
8 said limit is determined according to at least one reasonableness rule (See Saito Col. 14 Lines
9 13-16).

10 Regarding claims 98, and 132, the combination of Maillard and Saito disclosed that said
11 limit is determined according to at least one reasonableness rule and wherein said at least one
12 reasonableness rule restricts a number of copies of said scrambled digital content operable with
13 said token (See Saito Col. 6 Lines 9-10 and 49-56 and Col. 14 Lines 13-16).

14 Regarding claims 99, and 133, the combination of Maillard and Saito disclosed that when
15 the limit is reached, at least one of transmitting said scrambled digital content and transmitting
16 said permission message is not performed (See Saito Col. 6 Lines 9-10 and 49-56).

17 Regarding claims 100, and 134, the combination of Maillard and Saito disclosed that at
18 least one reasonableness rule requires at least said first end user device to wait for a
19 predetermined period before transferring said scrambled digital content to an additional end user
20 device in the group (See Saito Col. 5 Line 66 - Col. 6 Line 17).

21 Regarding claims 101, and 135, the combination of Maillard and Saito disclosed that the
22 wait period was greater for a second user than a first user (See Saito Col. 6 Line 11 – Col. 7 Line

Art Unit: 2131

1 31).that the wait period was greater for a second user than a first user (See Saito Col. 6 Line 11 –
2 Col. 7 Line 31).

3 Regarding claims 102-103, and 136-137, the combination of Maillard and Saito disclosed
4 that the period was at partially determined according to a period of time and operation a
5 minimum number of times (See Saito Col. 5 Line 66 – Col. 6 Line 62).

6 Regarding claim 104, the combination of Maillard and Saito disclosed that membership
7 in said group is at least partially determined according to said control center, such that if said
8 group has more than a predetermined number of end user devices as members, said control
9 center blocks receipt of said permission message by members of said group (See Saito Col. 14
10 Lines 13-16 and the rejection of claim 84 above).

11 Regarding claim 125, the combination of Maillard and Saito that at least said second end
12 user device is in communication with a control center and said permission message is activated
13 for said second end user device by said control center (See the rejection of claim 124 above).

14 Regarding claim 138, the combination of Maillard and Saito that membership in said
15 group is at least partially determined according to said control center, such that if said group has
16 more than a predetermined number of end user devices as members, said control center blocks
17 receipt of said permission message by members of said group (See Saito Col. 6 Lines 9-10 and
18 49-56, and Col. 14 Lines 13-16).

19 Regarding claim 139, the combination of Maillard and Saito disclosed transmitting said
20 scrambled digital content with said ECM from a first end user device to a second end user device
21 (See the Rejection of claim 84 above); receiving a specific PECM by said second end user device
22 from said control center (See the Rejection of claim 84 above); and unscrambling said scrambled

Art Unit: 2131

1 digital content by said second end user device only after receiving said specific PECM (See the
2 Rejection of claim 84 above), wherein receiving said specific PECM by said second end user
3 device includes: transmitting payment to said control center (See Maillard Col. 6 Paragraph 2);
4 and transmitting said PECM by said control center only after receiving payment (See Maillard
5 Col. 6 Paragraph 2).

6 Regarding claim 140, the combination of Maillard and Saito disclosed that said
7 permission message is operative only by said first end user device, such that if said permission
8 message is transferred to said second end user device by said first end user device, said
9 permission message cannot be used by said second end user device (See Maillard Col. 2 Lines
10 40-48).

11 Regarding claims 166, and 176, Maillard and Saito disclosed that the ECM remains
12 embedded in the digital content after the receipt of the PECM at the second end user device (See
13 Maillard Background of the Invention Paragraph 1).

14 Regarding claims 167-168, and 177-178, Maillard and Saito disclosed that the ECM
15 comprises an address for a network control center, the network control center being the network
16 control center the second end user device must contact in order to receive a permission message
17 to unscramble the scrambled digital content and that the permission message comprises a PECM
18 (personalized ECM) (See Maillard Col. 5 Lines 45-59).

19 Regarding claims 169-170, and 179-180, Maillard and Saito disclosed that the ECM
20 comprises at an indication that the scrambled digital content comprises purchasable content (See
21 Maillard Col. 5 Paragraph 1); a unique identifier for the scrambled digital content (See Maillard
22 Col. 2 Lines 49-57); and a conditional access service identifier for a group which is allowed to

Art Unit: 2131

1 purchase the scrambled digital content (See Maillard Col. 2 Lines 49-57), and that the ECM
2 further comprises at least one of: a base price for the scrambled digital content; an indication of
3 rental duration for the digital content; a price for extending rental duration; an indication of a
4 number of renderings of the digital content; and a price for outright ownership of the digital
5 content (See Maillard Col. 3 Last Paragraph).

6 Claims 105-110, and 171-175 are rejected under 35 U.S.C. 102(e) as being anticipated by
7 Maillard (Patent Number 6,393,562).

8 Claims 105-107, 109-110, and 171-175 are rejected under 35 U.S.C. 103(a) as being
9 unpatentable over Maillard (Patent Number 6,393,562), and further in view of Kim et al. (US
10 Patent Number 5,799,081) hereinafter referred to as Kim.

11 Regarding claim 105, Maillard disclosed a method for securing digital content for
12 transmission to an end user device, comprising: providing a control center for controlling access
13 to the digital content by the end user device (See Maillard Col. 5 Paragraph 1 Conditional Access
14 System 3000); transmitting scrambled digital content and an original entitlement control message
15 (ECM) to the end user and playable content, the original ECM controlling, at least in part,
16 access to the scrambled digital content, such that the end user device cannot play back said
17 scrambled digital content (See Maillard Col. 4 Last Paragraph and Background of the Invention
18 First Paragraph); transmitting from said control center to said end user device an entitlement
19 message (EMM) (See Maillard Col. 3 Lines 46-55); but Maillard failed to specifically disclose
20 that the ECM and EMM together were not sufficient to enable said end user device to play back
21 said scrambled digital content, or transmitting a PECM to the end user device by said control
22 center, said PECM being specific to the end user device, said ECM and said EMM and said

Art Unit: 2131

1 PECM together being sufficient to enable said end user device to play back said scrambled
2 digital content; or unscrambling said scrambled digital content by the end user device by
3 employing said PECM.

4 Maillard further failed to disclose that the original ECM was embedded with the
5 scrambled digital content. However, as evidenced by the instant specification page 2 final
6 paragraph, it was well known for the original ECMs to be embedded with the content, and as
7 such it would have been obvious to the ordinary person skilled in the art at the time of invention
8 to have done so.

9 Kim teaches that in a system utilizing ECM's and EMM's, the broadcast system should
10 generate and transmit Copy Protection Transmission Code (PECM) information for prohibiting
11 illegal view/copy with the scrambled content, and the CPTC should be analyzed by the content
12 receiver in order to determine whether to allow playback of the content (See Kim Col. 14 Line 4
13 – Col. 15 Lines 40).

14 It would have been obvious to the ordinary person skilled in the art at the time of
15 invention to employ the teachings of Kim in the content delivery system of Maillard by
16 generating CPTC information and including the CPTC information with the content, and
17 analyzing the CPTC at the content receiver in order to determine whether to allow playback of
18 the content. This would have been obvious because the ordinary person skilled in the art at the
19 time of invention would have been motivated to protect the content against illegal viewing and
20 copying of the content.

21 Regarding claim 106, Maillard disclosed that transmitting said PECM further comprises:
22 transmitting a first set of information in an ECM (entitlement control message) for decoding said

Art Unit: 2131

1 scrambled digital content to the end user device (See Maillard Background of the Invention);
2 permitting the end user device to access said first set of information only if an entitlement
3 management message (EMM) is given to the end user device and said EMM indicates that the
4 end user device is permitted to use said ECM (See Maillard Col. 6 Paragraph 1); and
5 unscrambling said scrambled digital content by the end user device according to said first set of
6 information (See Maillard Col. 6 Paragraph 1).

7 Regarding claim 107, Maillard disclosed that said EMM is transmitted by said control
8 center (See Maillard Col. 2 Lines 42-48 and Col. 5 Paragraphs 1-2).

9 Regarding claim 109, Maillard disclosed that said first set of information includes at least
10 one instruction for generating a code word, such that permitting the end user device to access
11 said first set of information includes: generating said code word according to said at least one
12 instruction; and unscrambling said scrambled digital content according to said code word (See
13 Maillard Col. 2 Lines 49-57).

14 Regarding claim 110, Maillard disclosed permanently associating said PECM with said
15 scrambled digital content to permit unscrambling of said scrambled digital content by the end
16 user device (See Kim Col. 14).

17 Regarding claim 171, Maillard disclosed that the ECM remains embedded in the digital
18 content after the receipt of the PECM at the second end user device (See Maillard Background of
19 the Invention Paragraph 1).

20 Regarding claims 172-173, Maillard disclosed that the ECM comprises an address for a
21 network control center, the network control center being the network control center the end user
22 device must contact in order to receive a permission message to unscramble the scrambled digital

Art Unit: 2131

1 content and that the permission message comprises a PECM (personalized ECM) (See Maillard
2 Col. 5 Lines 45-59).

3 Regarding claims 174-175, Maillard disclosed that the ECM comprises at an indication
4 that the scrambled digital content comprises purchasable content (See Maillard Col. 5 Paragraph
5 1); a unique identifier for the scrambled digital content (See Maillard Col. 2 Lines 49-57); and a
6 conditional access service identifier for a group which is allowed to purchase the scrambled
7 digital content (See Maillard Col. 2 Lines 49-57), and that the ECM further comprises at least
8 one of: a base price for the scrambled digital content; an indication of rental duration for the
9 digital content; a price for extending rental duration; an indication of a number of renderings of
10 the digital content; and a price for outright ownership of the digital content (See Maillard Col. 3
11 Last Paragraph).

12 Claim 108 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maillard and
13 Kim as applied to claim 105 above, and further in view of Cadelore (US Patent Number
14 7,039,614).

15 Maillard and Kim disclosed sending an ECM, an EMM, and a CPTC but failed to
16 disclosed replacing the ECM with the PECM.

17 Cadelore teaches that in order to re-scramble protected content at a receiver, the sender
18 should send an ECM and a re-scrambling key in a separate ECM, and using the re-scrambling
19 key to re-scramble the content, and subsequently to access the content (See Cadelore Col. 7
20 Paragraph 5).

21 It would have been obvious to the ordinary person skilled in the art at the time of
22 invention to employ the teachings of Cadelore in the content distribution system of Maillard

Art Unit: 2131

1 and Kim by including an extra ECM which included a key for re-scrambling the content at the
2 receiver. This would have been obvious because the ordinary person skilled in the art would
3 have been motivated to allow secure recording of the content at the receiver.

4 Claims 111-112 are rejected under 35 U.S.C. 103(a) as being unpatentable over
5 Maillard and Kim, and further in view of Saito.

6 Regarding claims 111-112, Maillard and Kim disclosed distributing content to a first end
7 user and transmitting payment to said control center; and transmitting said PECM by said control
8 center only after receiving payment (See Maillard Col. 6 Paragraph 2) but Maillard failed to
9 disclose transmitting scrambled digital content to the second end user device by the first end user
10 device, such that said second end user device cannot play back said scrambled digital content;
11 connecting said second end user device to said control center; and transmitting a permission
12 message to said second end user device by said control center, such that said second end user
13 device is able to unscramble said scrambled digital content to form unscrambled digital content.

14 However Maillard did disclosed connecting said first end user device to said control center (See
15 Maillard Col. 5 Paragraph 1); and transmitting a permission message (EMM) to said first end
16 user device by said control center, such that said first end user device is able to unscramble said
17 scrambled digital content to form unscrambled digital content (See Maillard Background of the
18 Invention Paragraph 1).

19 Saito teaches that in a content distribution system, an authorized user can send encrypted
20 content to an unauthorized user, at which point the unauthorized user can contact a control center
21 to receive authorization and a decryption key for the content (See Saito Col. 5 Line 20 – Col. 6
22 Line 63).

Art Unit: 2131

1 It would have been obvious to the ordinary person skilled in the art at the time of
2 invention to employ the teachings of Saito in the content distribution system of Maillard by
3 transmitting scrambled digital content to the second end user device by the first end user device,
4 such that said second end user device cannot play back said scrambled digital content;
5 connecting said second end user device to said control center (conditional access system 3000);
6 and transmitting a permission message to said second end user device by said control center
7 (EMM), such that said second end user device is able to unscramble said scrambled digital
8 content to form unscrambled digital content. This would have been obvious because the
9 ordinary person skilled in the art would have been motivated to allow more flexible content
10 distribution through "peer-to-peer" transfer, while maintaining access control to the copyrighted
11 data.

12 *Conclusion*

13 Claims 84-90, 92-112, 124-140, and 166-180 have been rejected.

14 Any inquiry concerning this communication or earlier communications from the
15 examiner should be directed to Matthew T. Henning whose telephone number is (571) 272-3790.
16 The examiner can normally be reached on M-F 8-4.

17 If attempts to reach the examiner by telephone are unsuccessful, the examiner's
18 supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the
19 organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2131

1 Information regarding the status of an application may be obtained from the Patent
2 Application Information Retrieval (PAIR) system. Status information for published applications
3 may be obtained from either Private PAIR or Public PAIR. Status information for unpublished
4 applications is available through Private PAIR only. For more information about the PAIR
5 system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR
6 system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would
7 like assistance from a USPTO Customer Service Representative or access to the automated
8 information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

9

10

11

12

13

14

15

16 /Matthew Henning/

17 Assistant Patent Examiner

18 Art Unit 2131

19 9/17/2007

CHRISTOPHER REVAK
PRIMARY EXAMINER

